

REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Claims 1-41 are all the claims presently pending in the application.

No claims have been amended and no new matter is added.

Claims 1-41 stand rejected on prior art grounds.

Claims 1-3, 12, 37, 38, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald (U.S. Patent No. 5,920,317) in view of Wang (U.S. Patent No. 6,038,333).

Claims 4, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and in further view of “Core Bibliographic Information in the TIFF Header”, http://gdz.sub.uni-goettingen.de/en-old/tech_notes/tiffheader.html, updated February 14, 1999) (hereinafter “TIFF”).

Claims 5-7, 9, 10, 15-17, 19-21, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Kuperstein (U.S. Patent No. 6,128,398).

Claims 8, 18, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Kuperstein, and further in view of TIFF.

Claims 14 and 23-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. (U.S. Patent No. 5,737,491).

Claim 41 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Allen.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Conventional medical systems introduced into hospitals have identification information on patients (patient IDs) and the patients' diagnosis images or case records relatedly recorded in a database so that the diagnosis images can be read out from the database for use as required. On the other hand, an image photographed using a digital camera is associated with a patient ID. For example, first, the patient ID (number) and the diagnosis image are photographed in connection with each other. Then, the photographed image is associated with the patient ID. Alternatively, the patient ID is input from a keyboard connected to the digital camera, and a folder identical to that for the patient ID is created so that a photographed image is recorded in this folder (e.g., see specification at page 1, lines 12-22).

The first method is cumbersome because it requires extra operations of photographing the patient ID and associating the photographed image with the patient ID. On the other hand, in the method 2), an operator manually inputs the patient ID, so that an input error is likely to occur, causing the patient to be mistaken for another patient. Further, if an input error occurs, it cannot be easily detected. Furthermore, since the keyboard is connected to the digital camera, it may obstruct the movement of the camera or a change in camera angle during photographing (e.g., see specification at page 1, lines 23-29).

Moreover, with the conventional medical systems, even if a patient ID is displayed on the display of the camera as additional information, it cannot be checked on the basis

of the contents of the display whether or not this patient ID matches the patient ID imparted to the patient to be photographed. This results in the need for an extra operation of simultaneously photographing the patient and the patient ID (number) or the like and associating the photographed image with the patient ID, which is cumbersome (e.g., see specification at page 2, line 32, and page 3, lines 1-5).

Further, with a large amount of additional information, the restricted display of the camera (for example, a character liquid crystal) does not allow the entire information to be displayed, thereby also preventing the photographer from checking what additional information is added to the image (e.g., see specification at page 3, lines 6-9).

On the other hand, the claimed invention (e.g., see independent claims 1 and 15) provides an image recording method and apparatus which can simplify the input of identification information on a subject, which enables an easy check on the correspondence between the subject identification information input before photographing and the subject to be photographed, and which can automatically record information in a format suitable for a database (e.g., see specification at page 3, lines 11-16).

The claimed invention (e.g., see independent claim 14) also provides an image transmitting method which can simplify the input of information on the destination of an image and which can automatically transmit a photographed image to a destination corresponding to the destination information (e.g., see specification at page 3, lines 17-20).

The claimed invention (e.g., see independent claims 23 and 36) also provides an image recording method and system wherein if additional information input from an

external device is recorded in connection with an image of the subject, a camera can be used to easily check what added-to-image information is added, whether or not the added-to-image information is correct as information added to the image of the subject, and the like (e.g., see specification at page 3, lines 21-25).

II. THE PRIOR ART REJECTIONS

A. Claims 1-3, 12, 37, 38, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang.

The Examiner alleges that McDonald discloses all of the features of the claimed invention, except that McDonald does not explicitly disclose displaying the subject information on a display device of a digital camera (see Office Action at page 3, last paragraph).

However, the Examiner alleges that it would have been obvious to combine McDonald with Wang to arrive at the claimed invention because they are in the same field of subject verification and imaging. The Examiner alleges that it would have been obvious to modify the teachings of McDonald with Wang to display the “subject information” on the display device of the digital camera, the motivation being to create a portable handheld device (citing Wang at column 8, lines 60-61).

Applicants respectfully submit, however, that it would not have been obvious to combine the teachings of McDonald and Wang to arrive at the claimed invention, for at least the following reasons.

In other words, one of ordinary skill in the art would not have combined a system and method which imperatively uses a centralized database (i.e., a centralized system and

method), as disclosed by McDonald, with the decentralized system and method which is disclosed by Wang.

For example, as the Examiner points out, McDonald does not explicitly disclose displaying the subject information on a display device of a digital camera (see Office Action at page 3, last paragraph).

Instead, McDonald discloses that patient and patient admission information are stored on a database server 24 (see Figure 1), which obtains access to a central database. McDonald further discloses that capture stations 26 make requests for information to the database server 24 which in turn retrieves data (e.g., see McDonald at column 4, lines 58-67).

McDonald discloses that it is “*imperative that ultrasound scan facilities such as hospitals maintain impeccable records for identifying and tracking ultrasound scans to ensure that each scan is accurately and permanently associated with a specific patient and a specific date*” (see McDonald at column 5, lines 1-5; emphasis added).

McDonald further discloses that the patient search parameter is dispatched in a message to the database server 24 which searches for a match in the database (e.g., see McDonald at column 5, lines 12-14).

In comparison, as the Examiner also points out, Wang discloses that the personal identifier and management system is a single stand-alone portable hand held device that fits into a user’s single hand (see Wang at column 8, lines 59-61).

Indeed, Wang further discloses that the image database, the image capturing system, the display system, and the face analysis system all physically reside in the single stand-alone portable hand held device (see Wang at column 8, lines 59-61).

Applicant submits, however, that having the image database, the image capturing system, the display system, and the face analysis system all physically reside in a single stand-alone portable hand held device would not “*maintain impeccable records for identifying and tracking ultrasound scans to ensure that each scan is accurately and permanently associated with a specific patient and a specific date*”, as McDonald specifically states is an “imperative” object of McDonald’s system and method (see McDonald at column 5, lines 1-5).

In other words, Applicant respectfully submits that it would not have obvious to modify the system and method of McDonald, which states that it is “imperative that ultrasound scan facilities such as hospitals maintain impeccable records for identifying and tracking ultrasound scans to ensure that each scan is accurately and permanently associated with a specific patient and a specific date” (see McDonald at column 5, lines 1-5; emphasis added) and which performs a search of a central database, in view of Wang, which discloses a personal identifier and management system that is a single stand-alone portable hand held device that fits into a user’s single hand, wherein the image database, the image capturing system, the display system, and the face analysis system all physically reside in the single stand-alone portable hand held device (see Wang at column 8, lines 59-61).

In comparison, the claimed invention is directed to an exemplary image recording method and apparatus which can simplify the input of identification information on a subject, which enables an easy check on the correspondence between the subject identification information input before photographing and the subject to be photographed, and which can automatically record information in a format suitable for a database (e.g., see specification at page 3, lines 11-16).

For example, the claimed invention is particularly suitable for use in taking photographs (e.g., diagnosis images) of a subject (e.g., a patient, an affected part or limb of a patient, etc.) for medical diagnosis. It is noted that the claimed invention is not limited only to patients and/or medical applications.

Applicant respectfully submits that, absent the benefit of Applicant's own invention (i.e., impermissible hindsight based analysis), it would not have obvious to modify the system and method of McDonald, which states that it is "*imperative that ultrasound scan facilities such as hospitals maintain impeccable records for identifying and tracking ultrasound scans to ensure that each scan is accurately and permanently associated with a specific patient and a specific date*" (see McDonald at column 5, lines 1-5; emphasis added) and which performs a search of a central database, with Wang, which discloses a personal identifier and management system that is a single stand-alone portable hand held device that fits into a user's single hand, wherein the image database, the image capturing system, the display system, and the face analysis system all physically reside in the single stand-alone portable hand held device (see Wang at column 8, lines 59-61).

In other words, one of ordinary skill in the art would not have combined a system and method which imperatively uses a centralized database (i.e., a centralized system and method), as disclosed by McDonald, with the decentralized system and method which is disclosed by Wang.

Thus, for the foregoing reasons, Applicant submits that it would not have been obvious to modify McDonald in view of Wang to arrive at the claimed invention.

Moreover, Applicant submits that McDonald and Wang, either individually or in combination, do not disclose or suggest all of the features of claims 1-3, 12, 37, 38, and 40.

Therefore, the Examiner is requested to reconsider and withdraw this rejection.

B. Claims 4, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and in further view of “Core Bibliographic Information in the TIFF Header”, http://gdz.sub.uni-goettingen.de/en-old/tech_notes/tiffheader.html, updated February 14, 1999) (hereinafter “TIFF”).

Applicant submits that dependent claims 4, 11, and 13 also are not rendered obvious from McDonald in view of Wang, and further in view of TIFF by virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

That is, TIFF does not make up for the deficiencies of McDonald and Wang, and indeed, is not relied upon for the features for which McDonald and Wang are deficient.

Thus, claims 4, 11, and 13 clearly would not have been obvious over McDonald, Wang, and TIFF, either individually or in combination.

C. Claims 5-7, 9, 10, 15-17, 19-21, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Kuperstein (U.S. Patent No. 6,128,398).

First, Applicant submits that dependent claims 5-7, 9, 10, and 39 also are not rendered obvious from McDonald in view of Wang, and further in view of Kuperstein by

virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

That is, Kuperstein does not make up for the deficiencies of McDonald and Wang, and indeed, is not even relied upon for the features for which McDonald and Wang are deficient, as set forth above.

Dependent claims 16, 17, 20, and 21 also are patentable over Wang and Kuperstein, either individually or in combination, by virtue of their dependency from claims 15 and 19, respectively, as well as for the additional features recited therein.

Thus, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 5-7, 9, 10, 15-17, 19-21, and 39.

D. Claims 8, 18, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Kuperstein, and further in view of TIFF.

Applicant submits that dependent claims 8, 18, and 22 also are not rendered obvious from McDonald in view of Wang, and further in view of Kuperstein, and further in view of TIFF by virtue of their dependency from independent claims 1, 15, and 19, respectively, as well as for the additional features recited therein.

That is, neither Kuperstein nor TIFF makes up for the deficiencies of McDonald and Wang, as set forth above.

Thus, Applicant submits that McDonald, Wang, Kuperstein, and TIFF, either individually or in combination, clearly do not disclose or suggest all of the features of dependent claims 8, 18, and 22.

Thus, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 8, 18, and 22.

E. Claims 14 and 23-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. (U.S. Patent No. 5,737,491).

In response to Applicant's traversal positions, the Examiner states that:

Applicant has not disclosed that inputting the destination information before photographing provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the destination information being input after photographing because transmitting a recording cannot occur until the destination information is input and the order is not critical.

(see Office Action at page 11, lines 17-21, and page 12, lines 1-2).

However, Applicant respectfully disagrees with the Examiner's position for several reasons. Therefore, Applicant respectfully traverses this rejection.

For example, Applicant notes that the Description of the Related Art of the present application identifies numerous examples of problems associated with entering information after the photograph is taken (e.g., see specification at page 1, line 12, to page 3, line 3).

The present application also explains that the claimed invention solves such problems. For example, the invention discloses that by loading the image destination information from the external device, the photographed image can be transmitted to the destination indicated by the destination information (e.g., see specification at page 5, lines 18-20; see also page 14, line 3, to page 18, line 2).

The present application further explains that, by loading the information (such as the image destination information) from the external device before photographing the subject, input errors can be prevented because the present invention requires no manual inputs (e.g., see specification at page 4, lines 22-23; see also page 14, line 3, to page 18, line 2).

Thus, contrary to the Examiner's position, Applicant has identified and explained the advantages of the claimed invention and the problems solved by the claimed invention. Applicant also has explained the criticality of loading such information into the digital camera from an external device before photographing the subject with the digital camera, as set forth above.

Contrary to the Examiner's position, such problems clearly would not be solved by allegedly inputting the destination information after photographing, nor does Allen disclose or suggest how such problems would be solved.

Also, contrary to the Examiner's position, although transmitting a recording cannot occur until the destination information is input, Applicant clearly has explained the criticality of loading such information into the digital camera from an external device before photographing the subject with the digital camera, as set forth above.

Applicant incorporates herein by reference all of the traversal arguments set forth in the Amendment under 37 C.F.R. § 1.111 filed on September 28, 2005, for the Examiner's convenience.

Applicant reiterates that Allen clearly does not disclose or suggest that such information loaded into the camera includes "*an input step of inputting destination information from an external device to a digital camera, the information being indicative of a destination of an image, wherein said input step inputs destination information to the*

digital camera using radio communication before photographing a subject to be photographed’ as claimed in independent claim 14.

Indeed, Applicant reiterates that the device and method of Allen are not even concerned with inputting destination information of the image before taking the photograph of the subject, as with the claimed invention. Instead, Allen merely is directed to taking photographs (for example, by a sports photographer at a sporting event) and transmitting (using voice commands) such photographs to a destination via a wireless transmission to a local image fulfillment center for printing or further transmission (e.g., see Allen at column 1, lines 57-65).

Thus, for the foregoing reasons, independent claim 14 clearly is not anticipated by, or rendered obvious from, the disclosure of Allen.

For somewhat similar reasons as independent claim 14, Applicant reiterates that Allen also does not disclose or suggest all of the features of independent claims 23 and 36. Thus, Applicant submits that Allen does not anticipate, or render obvious, the novel and unobvious combination of features defined by independent claims 23 and 36.

For the foregoing reasons, Applicant reiterates that all of the features of claims 14, 23, and 36 clearly are not disclosed or suggested by Allen.

Therefore, the Examiner respectfully is requested to reconsider and withdraw this rejection and permit claims 14 and 23-36 to pass to immediate allowance.

F. Claim 41 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of Wang, and further in view of Allen.

Somewhat similarly to claim 1 above, independent claim 41 recites an image transmitting method, including:

inputting identification information on a subject and subject information, and destination information from an external device to a digital camera, before photographing the subject,

wherein the subject information includes information used by a photographer to confirm the identity of the subject, before photographing the subject, and

wherein the destination information includes information indicative of a destination of an image;

displaying, on the basis of the subject information, subject information for confirming the identity of the subject on a display device of the digital camera, before photographing the subject;

photographing the subject using the digital camera after confirming the identity of the subject on the basis of the subject information displayed on the display device;

recording the photographed image of the subject in connection with the identification information and the destination information input; and

transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image (emphasis added).

For somewhat similar reasons as those set forth above with respect to claim 1, McDonald and Wang clearly do not disclose or suggest all of the features of independent claim 41.

Moreover, Allen does not make up for the deficiencies of McDonald and Wang, as set forth above.

Thus, the Examiner is requested to reconsider and withdraw the rejection of independent claim 41.

III. FORMAL MATTERS

Abstract

The Examiner objects to the Abstract as exceeding the word limit. Applicant amends the Abstract herewith to obviate this objection.

Thus, the Examiner is requested to reconsider and withdraw this objection.

Formal Drawings

Applicant reiterates the request that the Examiner acknowledge receipt of and accept the formal drawings filed on January 30, 2002.

IV. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-41, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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